IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

–

WRIT PETITION NO.14617 OF 2005

Between:

Yarlagadda Managamma W/o Raghunadha Babu
aged 50 years, R/o. Western Street, Eluru,

West Godavari District . **..... PETITIONER**

AND

1. The District Collector, West Godavari District, Eluru.

2. The Commissioner Eluru Municipal Corporation,

Eluru, West Godavari District.

3. The Superintendent, Prohibition & Excise,

Eluru, West Godavari District.

4. Yerlagadda Chittamma W/o Basavayya,
aged 70 years, R/o. Western Street, Eluru,
West Godavari District. **.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandmaus or any other appropriate Writ, Order or direction declaring the action of the Respondents 1 to 3 in not taking

appropriate steps to consider and take appropriate action on the basis of the representations, dated 11-06-2005, made by the petitioner as illegal, arbitrary and unjust.

Counsel for the Petitioner: Mr. K. Chidambaram.

Counsel for Respondents 1 to 3: G.P. for Revenue

Counsel for Respondent No.4: Mr. S. Nageswara Reddy.

The Court at the admission stage made the following :

ORDER:

Aggrieved by the inaction on the part of the Respondents 1 to 3 in considering the representation, dated 11-06-2005, made by the petitioner, this writ petition is filed seeking direction to the respondents to dispose of the said representation.

The case of the petitioner is that she is the absolute owner of the land admeasuring 81 square yards situated in T.S. No.206/1A of Eluru, West Godavari District. It is stated that the son-in-law of the 4th respondent started running a Bar & Restaurant under the name and style of Samba Siva Bar and Restaurant in the site of the 4th respondent, which is adjacent to the site of the petitioner, and thereby causing nuisance and inconvenience to the inhabitants of the locality. That the site, wherein the son-in-law of the 4th respondent started running Bar and Restaurant is a passage being used for their ingress and egress and either of them have no right to make any construction in the said passage and as the plinth area for the Bar and Restaurant was enhanced as per the new rules of the Excise policy, the 4th respondent and her
son-in-law are trying to encroach the joint passage, therefore the petitioner filed O.S. No.553 of 2005 on the file of the Court of the
I Additional Junior Civil Judge, Eluru, West Godavari District and obtained status-quo order against the 4th respondent. It is further stated that even though the petitioner obtained status-quo order against the 4th respondent, she along with her son-in-law are making hectic efforts to encroach the joint passage and also the site belongs to the Municipal Corporation situated by the side of the joint passage, therefore he filed a representation, dated
11-06-2005, before the respondents 1 to 3 requesting them to take action against the 4th respondent and her son-in-law and not to renew the licence of the Bar and

Restaurant as it is causing nuisance to the inhabitants of the local people as well as the general public, but they did not care or consider his application.

Heard the learned counsel for the petitioner and the learned Government Pleader and perused the material available on record.

In the facts and circumstances of the case, the Writ Petition is disposed of, at the admission stage, directing respondents 1 to 3 to consider the representation of the petitioner, dated 11-06-2005, after giving a reasonable opportunity of being heard to the effected parties and pass appropriate orders, in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.

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ELIPE DHARMA RAO, J

Date:07-07-2005.

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To

1. The District Collector, West Godavari District, Eluru.

2. The Commissioner, Eluru Municipal Corporation,

Eluru, West Godavari District.

3. The Superintendent, Prohibition & Excise,

Eluru, West Godavari District.

4. Two C.Cs. to the G.P. for Revenue, High Court of A.P.,
Hyderabad.

8) Two C.D. copies.